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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,565	03/21/2001	Mutsurou Tanoue	Q63506	2639

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2100 PENNSYLVANIA AVE. NW  
WASHINGTON, DC 20037-3213

EXAMINER

BHATTACHARYA, SAM

ART UNIT PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/812,565

Applicant(s)

TANOUE ET AL.

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-32 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 12-15, 18, 19, 22 and 33-36 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 10, 11, 16, 17, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-5, 8, 9, 12-15, 18, 19, 22 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones (US 6,904,359).

Regarding claims 1, 9, 13, 14 and 19, Jones discloses a mobile system which is mounted on a mobile unit, including a position measuring section 25 for measuring the position of the mobile unit; and a controller 12/16 for determining whether or not continuing the position measuring operation is required after a main operation of the mobile unit has stopped (vehicle is stopped) and for controlling the position measuring section to continue the position measuring operation after stopping a the main operation when the position measuring operation is required. See FIG. 1 and col. 9, lines 44-65.

Regarding claims 2 and 3, Jones discloses a positioning stopper for stopping the position measuring operation under the control of the controller, where the positioning stopper comprises a clock section 24 which starts the clocking after stopping the main operation. See col. 23, lines 1-5. See col. 9, lines 18-25.

Regarding claim 4, Jones discloses an operation stop detector for detecting the stop of the main operation; wherein the operation stop detector is provided on a power line for supplying an electric power to the mobile system. See FIG. 10, col. 4, lines 34-54 and col. 14, lines 46-65.

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Regarding claims 5 and 15, Jones discloses that the controller determines that continuing the position measuring operation is required after the main operation has stopped when the mobile system moves after the main operation has stopped. See FIG. 13 and col. 17, lines 38-56.

Regarding claims 8 and 18, Jones discloses that the controller determines that continuing the position measuring operation is required after the main operation has stopped when a substantial amount of time would be required for the position measuring section to reacquire position data to measure the position of the mobile system once the main operation is resumed. See FIG. 19, col. 5, lines 32-52 and col. 9, line 66 – col. 10, line 13.

Regarding claims 12 and 22, Jones discloses that the controller instructs the position measuring section to stop performing the position measuring operation after the main operation has stopped when the position measuring operation is not required. See col. 11, lines 30-50.

Regarding claims 33 and 34, Jones discloses that the main operation of the mobile unit is stopped when the main operative power for the mobile unit is turned off by a user. See FIG. 48 and col. 28, line 17 – col. 29, line 23.

Regarding claims 35 and 36, Jones discloses that the controlling of the position measuring section to continue the position measuring operation after stopping the main operation is performed while the main operation is stopped. See col. 28, line 17 – col. 29, line 23.

***Allowable Subject Matter***

3. Claims 6, 7, 10, 11, 16, 17, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. Claims 23-32 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: the claims are objected to or allowed for the reasons stated in the previous Office action.

***Response to Arguments***

6. Applicant's arguments filed 11/2/06 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's arguments.

Applicant states that the mobile system is the entire positioning system which may include disk drive, map reader, display and position measuring section, e.g. the GPS + gyro part of the mobile system. However, the claims do not recite these features. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, Examiner suggests that Applicant amend the claims to recite these features to give them patentable weight.

Similarly, the claims do not recite a controller that continues to calculate the position of the vehicle when the vehicle, or the controller, has been turned off. Stopping the main operation is not the same as turning off. The main operation can be any operation, given the broadest reasonable interpretation.

The BSCU 14 in Jones compares the delivery vehicle current location with the planned route location to determine time and/or distance away from a user stop. By comparing previous routes with time differences between waypoints, it calculates the time to travel from actual

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vehicle location to impending arrival time at a particular stop. See col. 17, lines 44-54.

Therefore, contrary to Applicant's assertion, Jones discloses that the controller continues the position measuring operation after the main operation has stopped and the mobile system moves.

Jones discloses that the controller determines that continuing the position measuring operation is required after the main operation has stopped when a substantial amount of time would be required for the position measuring section to reacquire position data because the vehicle location is associated with a time for determining a moving vehicle location. See col. 5, lines 32-52 and col. 14, lines 46-65.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917.

The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GEORGE ENG  
SUPERVISORY PATENT EXAMINER